

John Boehner
Chairman
8th District, Ohio

House Meets at 11:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 867—Adoption Promotion Act

H.R. 2—Housing Opportunity and Responsibility Act



H.R. 867—Adoption Promotion Act

Floor Situation: The House will consider H.R. 867 as its first order of business today. Yesterday, the Rules Committee granted an open rule which provides one hour of general debate, equally divided between the chairman and ranking minority member of the Ways & Means Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. It waives House rules which require that committee reports be available for three days prior to consideration, and also waives Congressional Budget Act requirements which (1) prohibit consideration of legislation within the Budget Committee's jurisdiction unless reported by the Budget Committee, (2) prohibit consideration of budgetary legislation prior to the adoption of a budget resolution, and (3) require a CBO cost estimate in the committee report. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 867 amends current law provisions which govern the adoption of children to significantly shorten the time period in which children who are placed into foster care—which includes children living in state-run foster homes, foster families, or living with non-parent relatives—become permanently established with either their natural families or foster families. Major provisions in the bill include (1) redefining actions which constitute “reasonable efforts” that states are obligated to make to return a foster child to his natural parents, specifically giving states greater flexibility to determine when such efforts serve the child's needs less than efforts to find an alternate home; (2) authorizing states to receive \$4,000 in adoption incentive payments (\$6,000 for each “hard to place,” or special needs child) for each child who is successfully removed from the foster

care system above their average state adoption rates; and (3) shortening from 18 to 12 months the point at which children in foster care undergo a permanency hearing to determine whether they should be returned to their parents, remain in foster care, or be placed for adoption. CBO estimates that enactment will result in savings of \$34 million over five years. H.R. 867 was introduced by Mr. Camp and Mrs. Kennelly, and was reported by the Ways & Means Committee by voice vote on April 23, 1997.

Views:

Republican Leadership: Supports

Chairman Archer: Supports

Clinton Administration: No Position Available

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 867:

Mr. Tiahrt and Mr. Burton may offer an amendment (#6) to replace the bill's parental rights termination provision with new language. Specifically, the Tiahrt-Burton amendment requires that states must seek to terminate parental rights of children under 13 years of age who have spent 12 of their most recent 18 months in foster care. However, states may choose not to terminate parental rights if the child (1) is being cared for by a relative or (2) the state can document a compelling reason why terminating parental rights would not be in the best interests of the child. Currently, the bill contains a provision which allows a state to petition to terminate parental rights on behalf of children under 10 years of age who have been in foster care for 18 of the past 24 months. It exempts states from this requirement if the child (1) is in the care of a relative, (2) the state can demonstrate a compelling reason why terminating parental rights would not be in the best interests of the child, or (3) state has not provided adequate services to the child or his family. Sponsors of the amendment feel that children can be moved from the foster care system more quickly than the bill currently allows; additionally, they feel that the bill does not go far enough to ensure that states will provide the necessary services to foster children before deciding whether to return them to their families or place them for other permanent living arrangements such as a foster family or permanent adoption. *Staff Contacts: Missy Beall (Tiahrt), x5-6216; Carolyn Hicks (Burton), x5-2276*

Ms. Jackson-Lee may offer an amendment (#2) to require states to make efforts to ensure that prospective adoptive parents are sensitive to the adoptive child's ethnic background. The intent of the amendment is to encourage states to ensure that adoptive children are placed with families of similar ethnic backgrounds. *Staff Contact: Jennifer Leach, x5-3816*

Ms. Jackson-Lee may offer an amendment (#3) to require that adoptive parents and foster care workers receive preferential consideration for state-sponsored substance abuse programs. The intent of the amendment is to ensure that, given extended waiting periods for individuals to enter many state substance abuse programs, individuals who will be directly responsible for caring for foster children do not experience a great delay in entering substance abuse programs. *Staff Contact: Jennifer Leach, x5-3816*

Ms. Jackson-Lee may offer an amendment (#4) to require states to conduct criminal background checks for persons who will be involved with foster children as prospective parents or foster care workers. The intent of the amendment is to help ensure that such individuals do not have criminal

histories or other background experiences that may endanger or be harmful to children to whom they will be exposed. **Staff Contact: Jennifer Leach, x5-3816**

Ms. Morrella may offer an amendment (#5) to encourage states to enact “kinship care” demonstration projects, which allow children who are ordered by a court to be removed from their homes to be placed directly with available and willing family members instead of state-sponsored foster care arrangements. The intent of the amendment is to encourage earlier family participation in providing foster care services for children, which would ultimately result in revenue savings for state foster care programs. **Staff Contact: Kathryn Pearson, x5-5341**

Ms. Maloney (NY) may offer an amendment to require states to enact “stand-by guardian” laws so that, should a foster child’s parents become incapacitated or otherwise unable to care for the child—prior to or without losing their parental rights—a guardian may be appointed to look after the child or make legal decisions on their behalf. The intent of the amendment is to provide security for parents who suffer from a terminal illness. Upon their death or becoming incapacitated, their children may be forced into a state’s foster care system. The amendment allows a child’s natural parents to select a guardian who will take over all responsibilities of parenting for the child at a pre-determined time, and thereby maintain family ties for the child, provide security to the ailing parent that their children will be received into a willing home, and help direct children away from state-sponsored foster care. **Staff Contact: Mark Guiton, x5-7944**

Additional Information: See *Legislative Digest*, Vol. XXVI, #11, April 25, 1997.



H.R. 2—Housing Opportunity and Responsibility Act

Floor Situation: The House will consider the rule and general debate only on H.R. 2 after it completes consideration of H.R. 867. Yesterday, the Rules Committee granted an open rule which provides one hour of general debate, equally divided between the chairman and ranking minority member of the Banking Committee. The rule makes in order, before the consideration of any other amendment, an amendment by Mr. Lazio printed in the *Congressional Record*. The amendment is debatable for 10 minutes and, if adopted, will serve as base text for purposes of further amendment. The rule waives House rules which (1) require that committee reports be available for three days prior to consideration, (2) require a CBO cost estimate in the committee report, and (3) prohibit appropriations in a legislative bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 replaces the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework. The bill consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers. It creates new rental assistance programs very similar to vouch-

ers, known as “Choice-Based Housing Assistance,” which provide rental assistance for a single year at a time (currently, most vouchers provide assistance for two years) and allow families to use their vouchers for housing anywhere in the United States. The bill also (1) deregulates the public housing system by giving more decision making responsibilities to the nation’s 3,400 public housing authorities (PHAs); (2) repeals the so-called “Brooke Amendment” and allows recipients to pay either a flat rent or an amount up to 30 percent of their income; (3) requires able-bodied individuals who live in public housing or who receive rental assistance to contribute eight hours of community service per month or participate in an accepted economic self-sufficiency program (e.g., job training); (4) requires that up to 65 percent of new tenants be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income; and (5) makes federal housing grants through the Department of Housing and Urban Development (HUD) available to local governments to implement locally-developed proposals upon HUD’s approval of the plan. The bill authorizes funding for approximately 37 percent of programs under HUD’s jurisdiction, and authorizes \$8 billion for these programs for the next five fiscal years. CBO estimates that enactment will result in net new discretionary outlays of \$42.6 billion over the next five years. H.R. 2 was introduced by Mr. Lazio and was reported by the Banking & Financial Services Committee by a vote of 28-19 on April 23, 1997.

Views:

Republican Leadership: Supports

Chairman Leach: Supports

Clinton Administration: No Position Available

Additional Information: See *Legislative Digest*, Vol. XXVI, #11, April 25, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

Brian Fortune: *Editor*

S. Kevin Washington:
Senior Legislative Analyst

Becci Clark, Melissa Decker,
Jimmy Papadimitriu, Kevin Smith:
Legislative Analysts



**Legislative
Digest**